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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,115	01/16/2004	Yuji Sushima	HITA.0496	4976
7590 06/16/2008				
Stanley P. Fisher Reed Smith LLP Suite 1400 3110 Fairview Park Drive Falls Church, VA 22042-4503			EXAMINER WHIPPLE, BRIAN P	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 06/16/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/758,115

Applicant(s)

SUSHIMA ET AL.

Examiner

Brian P. Whipple

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-08)
Paper No(s)/Mail Date 1/16/04 and 9/7/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-25 are pending in this application and presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. As to claim 5, the phrases "said conversion routine" and "said corresponding information retention unit" lacks antecedent basis. The claim cannot be properly interpreted as it is unclear how the comparison routine can use information converted by said conversion routine, where there is no conversion routine previously discussed in either claim 1 or claim 5.

Furthermore, it is unclear how corresponding information can be retained by said corresponding information retention unit, as there is no corresponding information retention unit previously discussed in either claim 1 or claim 5.

5. As to claim 16, the phrase “said corresponding information retention unit” lacks antecedent basis. It is unclear how corresponding information can be retained by said corresponding information retention unit, as there is no corresponding information retention unit previously discussed in either claim 12 or claim 16.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-5, 7-16, 18, and 23-24 are rejected under 35 U.S.C. 102(a) as being anticipated by Albert et al. (Albert), U.S. Patent No. 6,549,516 B1.

8. As to claim 1, Albert discloses an information processing system (Fig. 2A; Col. 6, ln. 51-55) in which a plurality of server modules (Fig. 2A, items 220-223; Col. 6, ln. 56-58) and a storage module (Col. 13, ln. 16-18), which comprises a storage device (Col. 13, ln. 16-18) and a controller (Col. 13, ln. 18-21), are interconnected via a network (Fig. 2A; Col. 6, ln. 51-55),

wherein said storage module comprises a system configuration information retention database (Col. 13, ln. 16-18);

wherein said server modules comprise a configuration information transmission unit (Col. 6, ln. 66 – Col. 7, ln. 4); and

wherein said storage module comprises a comparison routine (Col. 13, ln. 16-18).

9. As to claim 2, Albert discloses an error reporting routine (Col. 20, ln. 63-65).

10. As to claim 3, Albert discloses an error report routine (Col. 20, ln. 63-65).

11. As to claim 4, Albert discloses an alarm routine (Col. 20, ln. 63-65; reporting an error is an alarm).

12. As to claim 5, Albert discloses said storage module comprises a conversion information retention unit (Col. 7, ln. 21-25); and

wherein said comparison routine compares CPU performance information converted by said conversion routine and corresponding information retained (Col. 7, ln. 9-12).

13. As to claim 7, the claim is rejected for reasons similar to claim 1 above.

Additionally, Albert discloses a reception unit (Col. 6, ln. 60-63) and a service start routine (Col. 8, ln. 49-52; Col. 8, ln. 63 – Col. 9, ln. 2).

14. As to claims 8-9, the claims are rejected for reasons similar to claim 1 above.

15. As to claims 10 and 13, the claims are rejected for reasons similar to claim 2 above.

16. As to claims 11, 14, and 24, the claims are rejected for reasons similar to claim 3 above.

17. As to claim 12, the claim is rejected for reasons similar to claim 1 above.

Additionally, Albert discloses a response routine (Col. 26, ln. 42-45).

18. As to claim 15, the claim is rejected for reasons similar to claim 4 above.

19. As to claim 16, the claim is rejected for reasons similar to claim 5 above.

20. As to claim 18, the claim is rejected for the same reasons as claims 1, 7, and 12 above.

Additionally, Albert discloses a startup notification unit (Col. 3, ln. 33-38); and

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a reception unit (Col. 3, ln. 33-38).

21. As to claim 23, the claim is rejected for reasons similar to claim 4 above.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

23. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albert as applied to claims 1 and 12 above, in view of Ashok et al. (Ashok), U.S. Publication No. 2004/0003063 A1.

24. As to claim 6, Albert discloses the invention substantially as in parent claim 1, but is silent on a logical partitioning routine.

However, Ashok discloses a logical partitioning routine (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Albert by including a logical partitioning routine as

taught by Ashok in order to prevent failure across an entire system and ensure application programs do not consume hardware resources at the expense, or starvation, of other application programs (Ashok: [0008]).

25. As to claim 17, the claim is rejected for reasons similar to claim 6 above.

26. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albert, in view of what was well known in the art at the time of the invention.

27. As to claim 19, the claim is rejected for reasons similar to claim 1 above.

Additionally, Albert discloses updating the number of server modules (Col. 3, ln. 33-38).

Albert is silent on providing a host name, which is unique to the information processing system, in accordance with response information.

Official Notice is taken (See MPEP 2144.03) that providing a unique host name in accordance with response information was well known at the time of the invention.

A unique host name is required in order to avoid collision of data where two systems have the same host name. In order to assign a unique host name, it is inherent that response information would be sent back to a system attempting to implement a duplicative host

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name. Therefore, in order to avoid such a collision, the response information would ensure a unique host name.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Albert by assigning a unique host name to the information processing system in accordance with response information as was well known in the art at the time of the invention in order to gain the above-mentioned benefit of avoiding collision of data in a network.

28. As to claim 20, the claim is rejected for reasons similar to claims 18-19 above.

29. As to claim 21, the claim is rejected for reasons similar to claim 13 above.

30. As to claim 22, the claim is rejected for reasons similar to claim 3 above.

31. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Albert and what was well known in the art at the time of the invention as applied to claim 20 above, and further in view of Ashok as applied to claim 6 above.

32. As to claim 25, the claim is rejected for reasons similar to claim 6 above.

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the Notice of References Cited (PTO-892).

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Whipple whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (9:30 AM to 6:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian P. Whipple
/B. P. W./
Examiner, Art Unit 2152
6/12/08

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2146